

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. CR 17-489 odw
11 Plaintiff,) ORDER DENYING DEFENDANT'S
12 v.) APPLICATION TO RECONSIDER
13 *Ruben Anthony Perez*) ORDER DENYING PRETRIAL RELEASE
14 Defendant.)
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I.

16 This matter is before the court on defendant's application to
17 reconsider this court's 2/26/18 order denying pretrial release
18 and imposing detention pursuant to 18 U.S.C. § 3142(e) ("Defendant's
19 Application").

20 The Government () is (✓) is not entitled to a rebuttable
21 presumption that no condition or combination of conditions will
22 reasonably assure defendant's appearance as required and the safety of
23 any person or the community.
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II.

- A. (✓) The Court finds by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of defendant as required;

B. (✓) The Court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

III.

The Court has considered:

- A. (✓) the nature and circumstances of the offense(s) charged;
 - B. (✓) the weight of the evidence against defendant;
 - C. (✓) the history and characteristics of defendant;
 - D. (✓) the nature and seriousness of the danger to any person or the community that would be posed by defendant's release;
 - E. (✓) the Pretrial Services Report/Recommendation;
 - F. (✓) the evidence proffered/presented at the hearing;
 - G. (✓) the arguments of counsel.

IV.

The Court concludes:

- A. (✓) Defendant poses a risk to the safety of other persons and the community based on: his criminal history which includes multiple prior firearm possession offenses; admitted gang membership; admitted illegal drug use

B. (✓) Defendant poses a serious flight risk based on: _____
travel/trip to Mexico; prior evasion of police
arrests

C. () A serious risk exists that defendant will:

1. () obstruct or attempt to obstruct justice;
2. () threaten, injure or intimidate a prospective witness or juror or attempt to do so;

based on: _____

D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142(e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community;

and/or

() Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142(e) that no condition or combination of conditions will reasonably assure the appearance of defendant as required.

IT IS ORDERED that Defendant's Application is denied and that defendant be detained prior to trial.

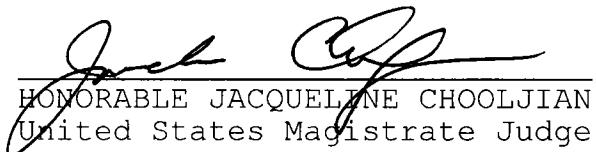
IT IS FURTHER ORDERED that defendant be committed to the custody
of the Attorney General for confinement to a corrections facility

1 separate, to the extent practicable, from persons awaiting or serving
2 sentences or persons held in custody pending appeal.

3 IT IS FURTHER ORDERED that defendant be afforded reasonable
4 opportunity for private consultation with defendant's counsel.

5 IT IS FURTHER ORDERED that, on Order of a Court of the United
6 States or on request of an attorney for the Government, the person in
7 charge of the corrections facility in which defendant is confined
8 deliver defendant to a United States Marshal for the purpose of an
9 appearance in connection with a court proceeding.

10 DATED: 4/3/18

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13 HONORABLE JACQUELINE CHOOLJIAN
United States Magistrate Judge

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